

1891-004 Chancery Causes: Elbert S. Duncan vs. Catharine Duncan
Lee Co.

Burton, Roop, Ely, Smith, Williams

CA-Divorce
T-Vices

To the Hon H. S. K. Morison, Judge of
The Circuit Court for his county:

Humbly Complaining your orator
Elbert S. Duncan, would respectfully
represent unto your Honor, That
some time in the year 1871 he in-
termarried with one Catherine Burton
with whom he lived, happily until
within the last three or four months,
when to his great surprise and grief,
he returned ^{home} ^{from his labor} one day about the
day of 1878, and found that his
wife had deserted him, and gone away
with a more handsome man; that
since she left him, your orator is
informed and alleges, That since and
some time before her leaving him,
she had been guilty of adultery;

So your orator alleges and swears, That
he, as well as his wife, is now and
has been for more than a year, prior to
the institution of this suit, a resident
of this county and State; That his
said wife has been guilty of adultery, by
having sexual intercourse with other
men than your orator, and that within

the last five years; that her adulter-
ous acts were committed without
the consent, procurement or conniv-
ance of your orator, and that your
orator has not lived with, or in any
way condoned her said offense or cohab-
ited with her since he had informa-
tion of her adulterous acts.

The premises considered, your
orator is advised that his cause of
complaint is only cognizable in a
court of equity; therefore his prayer
is that your honor take cognizance of
his said wrongs and injuries and grant
him a decree, annulling, vacating and
setting aside said marriage contract ex-
isting between your orator and the
said Catherine Duncan, that is, your
orator be decreed a divorce a vinculo
matrimonii; that the said Catherine
Duncan be made a party defendant to
this bill of complaint and she be required
to fully, completely, and perfectly answer
the same on oath. And that such other
further and general relief be granted your
orator as the nature of his case may
demand.

May process issue &c. and
he will ever pray &c.

E. W. Drummington Jr.

W.S. Duncan

vs. J. B. In. Chan.

Leathurine Duncan

1891. 2nd Jan. Rules Bill
Filed for Sp. Exp. & Dis.

" 1st Feb. Rules & D. Conf.

" 2nd " " Contd.

" 1 " " "

" 2 " " Cause set
for hearing by J. J.

" March Term Decr.
Final.

Divorce granted

80 to 90

D-

E. S. Duncan Complt-

vs.

Catherine Duncan Deft.

In Cham-

This cause came on again this the day of April, 1891 to be heard upon the bill of the Complt. and the depositions of witnesses. And it appearing to the Court that process has been duly served upon the Deft. 15 days before the first day of this term of the Court, and she ~~still~~ still fails to appear, answer or plead, and ~~consideration of all exhibits and for~~ reasons appearing to the Court ^{from the depositions} it is adjudged, ordered and decreed that the bonds of matrimony heretofore existing between said plaintiff and defendant, be and are hereby dissolved and for ever annulled. It is further adjudged, ordered and decreed that said defendant be restrained and inhibited from again contracting marriage, and that said plaintiff recover from said Deft. his costs in this suit and for the collection of which execution may issue. And this cause is stricken from the docket.

E. S. Duncan

or } decree final

Bathurine Duncan

Entered Chanc. O.B.
page 331. April
3^d 1891.

J. A. Wyatte

Enter this
April 3 1891.

H. S. K. M.

The depositions of John B. Roop,
Charles T. Roop and John W. Ely
vs J. C. Williams taken pursuant to
the notice hereto attached at
the Circuit Court Clerk's office
of Lee County Va. in the town
of Jonesville on the 13th day
of February 1891, which are
intended to be read as evidence
on behalf of the Plaintiff in
the Chancery Cause now pending
in Lee Circuit Court of E. S.
Duncan Plff. vs Catharine
Duncan -

John B. Roop a witness
of lawful age being duly
sworn deposes and says -

I am well acquainted
with the parties to this suit
they have lived near
where I live for some time.

One ^{a year ago last May} day I was going
through a thicket hunting
some sheep, when I came
upon Mrs Catharine Duncan
the defendant in this cause
and a man who I was infor-
med was one Lafayette Smith

Said E. S. Duncan now
resides and has lived in
this county for the past several
years.

Wit. Claim

50¢

they were at sexual intercourse
when I first saw them, and
they jumped up and ran, when
I spoke to them. I never told
E. S. Duncan the defendant
in this cause of what I saw
until recently, since his
wife has left him. I have
frequently seen E. S. Duncan
since his wife left him
and am certain they have
not lived together as man
and wife or been together
since they parted. #

And further this witness saith not.

J. B. Roofs

J. W. M. Ely Jr. an other witness
being duly sworn deposes
and says -

I am well acquainted with
the parties to this suit -
They once lived on my Father's
land. I know the fact
that Catharine Duncan the
Def't, often committed acts
of adultery and had sexual
intercourse with other men

* not committed by this
procurement or connivance.
The Deft & Deft are men and
have been for several years
citizens of this County & State.

wit claim
50th paid

besides her husband, within the last
five years.
I cannot state whether
the Deft knew of these acts or
not - he never saw any such
acts committed, I never talked
to or informed the Deft, ~~or any~~
~~one else~~ of these acts, until
since his separation with his
wife, nor did I tell him
in person, I only spoke of
it since they separated,
to other parties. No they were
not further this witness with
J. W. M. Ely Jr.

Charles T. Brook an other witness
of lawful age being duly sworn
deposes and says -

I know the parties to this
suit, they have lived near me
for some time.

I was hunting sheep one
day with my brother and
in passing through a thicket
he came upon the Deft, and
a man, not her husband, and
called to me, and I saw them
get up and run -

I never informed Mr. Duncan of
what I saw, - I frequently
see Mr. Duncan and am certain
they have not lived together
as man & wife since she left
50 cents him.

claim And further this witness saith not
~~Charles Roof~~ Charles T. Roof

The further taking of depositions
in this cause is continued until
Saturday February 28th 1891.

J. A. Hyatt Clerk

Circuit Court Clerk's Office
February 28th 1891.

Met pursuant to adjournment
A. C. Williams a witness
of lawful age being duly
sworn deposes and says

I am well acquainted
with the parties to this suit;
before they separated, which was
about the 15th December 1890,
they resided near where I
live, in Lee County Virginia
about 2 miles N. East of Jonesville
Va - and have lived in this

E. S. Duncan

depo.

mmmm

Catherine Duncan

wa - and have lived in this

County and State to my own knowledge for the past thirty years.

The Plaintiff E. S. Duncan has made his home and place of stopping at my house since his separation with his said wife, the Deft, in this cause - and I have been with or about him the greater portion of the time and I can safely state that the adulterous acts of his wife were not committed by his connivance or procurement, and that he has not lived with his said wife as her husband since her desertion of him in Decr. last.

And further this witness saith not.
A. L. Williams

The foregoing depositions were taken before me at the time and place mentioned in the Caption, Subscribed & sworn to before me by the witnesses in due form. Feby 28th 1891 J. A. St. John, Clerk.

E. S. Duncan
as ³ Depo.

Catherine Duncan

Filed Feb. 28th 1891
J. A. Hyatt C.

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

Catherine
Duncan

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the ~~first~~ *third* Monday
in ~~January~~ *February* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *her* by

Albert S. Duncan

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.


This *10* day of *January* 1891, in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

(C. W. P.)

Edbert S. Duncan

vs  Spain & Co
Catharine Duncan

To 2nd January Rules 1891.

Executed by deliver-
ing to Catharine
Duncan an office
copy of this Spa on
the 10th day of January
1891. This January
12th 1891.

Wm. P. Sprinkler Deputy

for A. B. Mearns & Co.

To Catherine Duncan

TAKE NOTICE, That I on the 13 day of
February, 1887, at the Circuit Court Clerk's office
of Lin County, Mo in the town of
Jonesville

will proceed to take the deposition of John Ely and others

which, when taken, I intended to be read as evidence on my behalf in a certain suit in Chancery
now pending in the Circuit Court of Lin County, State of Mo, in which
I am plaintiff and
you are defendant.

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the
taking thereof will be adjourned from time to time, and from place to place, until completed.

Jan 20th, 1887.

Very Respectfully,

E. S. Duncan

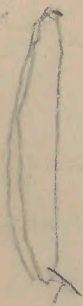
E. S. Duncan

vs } notice

Catherine Duncan

Executed Feb 6th 1891
by delivering a true copy
of the within to
Catherine Duncan

W. P. Sprinkle Deput
for A. B. Muncy
S & C



The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON John Ely Jr. Morgan
Haynes, John R. Roof, Charles R.
Roof, and Nancy Stansbury

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the 13th
day of February 1891 term next to testify and the truth to speak in behalf of
E. S. Duncan in certain matters of controversy
pending in our said Court between

E. S. Duncan

Plaintiff, and

Callum Duncan

Defendant. And this day shall in no wise

omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,
Clerk of our said Court at the Courthouse.

This 20th day of January 1891, in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

E. S. Duncan

vs. Spence with

Catharine Duncan

He the under-
signed accept

legal service
of the within

Summons

^{her}
Percy Stuart

^{his}
John B. Brook

^{mark}
Charles Brook

Executed Feb 10th 1871

by Sum. Gen. E. J. Jr

W. S. Sprinkle J. J.

for A. S. Muncy

S. J. C.